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REMARKS

In the present Office Action Claims 1, 5, 18, 20 and 31-43 were examined. No claims were allowed, Claims 1, 5, 18, 20, 31 and 35-42 were rejected, and Claims 32-34 and 43 were objected to as being dependent from a rejected base claim but would be allowable if rewritten in independent form. The Office Action makes the rejection of Claims 1, 5, 18, 20, 31 and 35-42 final. The Examiner is thanked for his notification with respect to Claims 32-34 and 43.

By this Amendment, Claims 32, 35-37 and 43 are proposed to be amended, Claims 1, 5, 18, 20, 31 and 38-42 are proposed to be cancelled without prejudice and no claims are proposed to be added. Accordingly, Claims 32-37 and 43 are presented in this Amendment and Reply and, as now written, are believed to be in a condition for immediate allowance.

In summary, Claim 32 is proposed to be rewritten in independent form, incorporating the limitations of former Claim 31 (now cancelled). It is proposed to amend Claims 35 and 36 to depend from Claim 32. Additionally, and as described below, it is proposed to amend Claim 36 to clarify portions of these claims by removing a term "flexible" and to clarify location of recited tabs in relation to vertical apertures. Similarly, it is proposed to amend Claim 37 to remove the term "flexible" and to ensure proper antecedent basis to equivalent terms "chassis" and "panel assembly".

Reconsideration and allowance of all of the now pending claims in view of the proposed amendment and remarks to follow is respectfully requested.

Specification Objection:

The Examiner objects to the Specification stating that "there is no antecedent basis for 'a chassis' as set forth in claim 31." While Claim 31 is proposed to be cancelled, this element is now recited within the proposed amendment to Claim 32. Accordingly, the Examiner's attention is respectfully directed to the Specification as filed at page 16, line 31 to page 17, line 1 where it is recited:

"FIG. 53 shows an alternate display 700 including a corrugated board base 702, a back panel assembly or chassis 704, a header 706, and a plurality of pairs of one piece molded plastic shelf brackets 708, each associated with a tray or shelf 710." (Emphasis added)

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It is respectfully submitted that the terms "chassis", "back panel assembly" and "panel assembly" are used interchangeably within the specification. In view of the above, the Examiner is respectfully requested to reconsider and withdraw the objection to the Specification and Claim 31 (material element now appearing within Claim 32).

Claim Objections:

The Examiner objects to Claims 31 and 32 stating that "shelf 'engagement features' should be --engagement members-- in order to avoid being unclear on how two of the same engagement features are able to engage with one another." It is proposed to amend Claims 32, 33 and 43 with the Examiner's comment in mind.

It is respectfully requested that the Examiner enter the proposed amendments. Once entered, the Examiner is respectfully requested to reconsider and withdraw the objection to the claims.

Claim Rejections under 35 U.S.C. §112:

Claims 36, 37, 40 and 41 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. More particularly, the Examiner states that "the recitation of the tab being a 'flexible' tab constitutes new matter because there is no support in the original filed specification of what is being claimed."

It is proposed to amend Claims 36 and 37 to remove the term "flexible", and it is proposed to cancel Claims 40 and 41. Accordingly, Applicants respectfully request that the proposed amendments be entered and once done, that the Examiner reconsider and withdraw the rejection of then pending Claims 36 and 37 under 35 U.S.C. §112, first paragraph.

Prior Art Rejections:

In the Office Action the Examiner makes final the rejections of Claims 1, 5, 18, 35-37 and 39-41 under 35 U.S.C. §103(a) as being unpatentable over Simon et al. in view of Davidson; Claim 20 as being unpatentable over Simon et al. in view of Davidson and further in view of Besaw; Claims 38-42 as being unpatentable over Simon et al. in view of Davidson and further in view of

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Nook et al.; and Claim 31 under 35 U.S.C. §103(a) as being unpatentable over Maglione in view of Conen et al. and Bernardin.

Without addressing the patentability of Claims 1, 5, 18, 20 and 31-43 in view of the cited documents, without admitting relevancy (if any) of the cited documents and merely to streamline prosecution of the pending application, Claims 1, 5, 18, 20, 31 and 38-42 are proposed to be cancelled without prejudice and Claims 32, 35-37 and 43 are proposed to be amended. Applicant expressly reserves the right to file one or more continuation applications to continue prosecution of Claims 1, 5, 18, 20, 31 and 38-42 and any further claims that may be appropriate.

In view of the foregoing, it is respectfully submitted that Claims 32-37 and 43, as now written, are in condition for immediate allowance and notice thereof is respectfully requested.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited. If however, a notice of allowance cannot be issued, it is respectfully requested that the undersigned attorney be contacted to resolve any outstanding issues.

Early and favorable action is earnestly solicited.

Respectfully submitted,  
Edward R. KNAPP III et al.



Michael K. Kinney, Reg. No. 42,740  
Attorney for Applicant

Direct: (203) 498-4411  
Email: [mkinney@wiggin.com](mailto:mkinney@wiggin.com)

WIGGIN and DANA LLP  
One Century Tower  
P.O. Box 1832  
New Haven, Connecticut 06508-1832  
Telephone: (203) 498-4400  
Facsimile: (203) 782-2889

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